

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL GONZALES,
Plaintiff,

v.

HARMON, *et al.*,
Defendants.

No. 1:21-cv-00796-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITH PREJUDICE, FOR FAILURE
TO STATE A CLAIM, FAILURE TO OBEY A
COURT ORDER, AND FAILURE TO
PROSECUTE

(Doc. No. 13)

Plaintiff Michael Gonzales is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 11, 2021, the assigned magistrate judge issued a screening order granting plaintiff leave to file a first amended complaint or a notice of voluntary dismissal within thirty (30) days. (Doc. No. 8.) Plaintiff was warned that his failure to comply with the court's order would result in a recommendation for dismissal of this action, with prejudice, for failure to obey a court order and for failure to state a claim. (*Id.* at 10.) Following the granting of an extension of time, plaintiff nonetheless did not file an amended complaint or otherwise communicate with the court.

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1 Therefore, on November 8, 2021, the magistrate judge issued findings and
2 recommendations recommending dismissal of this action, with prejudice, for failure to state a
3 claim pursuant to 28 U.S.C. § 1915A, failure to obey a court order, and failure to prosecute.
4 (Doc. No. 13.) Those findings and recommendations were served on plaintiff and contained
5 notice that any objections thereto were to be filed within fourteen days after service. (*Id.* at 12.)
6 Plaintiff has not filed objections, and the deadline to do so has now passed.

7 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
8 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
9 magistrate judge's findings and recommendations are supported by the record and by proper
10 analysis.

11 Accordingly,

- 12 1. The findings and recommendations issued on November 8, 2021, (Doc. No. 13),
13 are adopted;
- 14 2. This action is dismissed due to plaintiff's failure to state a claim, failure to obey a
15 court order, and failure to prosecute; and
- 16 3. The Clerk of the Court is directed to assign a district judge to this case for the
17 purpose of closing the case and then to close this case.

18 IT IS SO ORDERED.

19 Dated: **December 8, 2021**

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UNITED STATES DISTRICT JUDGE